

REMARKS

This Amendment, submitted in response to the Office Action dated November 4, 2004, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-16 are all the claims pending in the application. Claims 1-5 and 9-13 have been amended to better conform with USPTO practice and procedure. No new matter has been added.

I. Drawings

The Examiner has objected to the drawings stating that “the application has been filed without drawings, which are acceptable for examination purposes only. However, formal drawings will be required when and if the application is allowed.” Applicant respectfully submits that drawings are not required in every application. If the Examiner feels that a drawing is necessary, the Examiner is respectfully invited to explain with particularity why this is the case in this situation.

II. Specification

The Examiner has objected to the arrangement of the specification. Headers have been added to the specification as indicated above. No new matter has been added.

The Examiner has objected to the title asserting that it is not descriptive. Applicant has amended the title to read “Method of Supplying Quality of Service Management.” Applicant

respectfully submits that the amended title is descriptive, therefore, the objection to the title should be withdrawn or the Examiner should propose a new title.

III. Rejection of claims 11 and 12 under 35 U.S.C. § 112, second paragraph

Claims 11 and 12 have been rejected as being indefinite. The Examiner reasons that claim 11 defines a terminal as a data carrier with a computer program but a data carrier is broad and undefined. Further, the Examiner asserts that a piece of paper can fit the definition of a data carrier. Applicant respectfully submits that claim 11 recites *a terminal* comprising a data carrier with a computer program. It would be apparent to one of ordinary skill in the art that a piece of paper is not a data carrier as recited in claim 11.

In rejecting claim 12, the Examiner states that “claim 12 further defines a terminal as a cable modem, a personal computer, a telephone, a television set a radio station or a mobile radio unit. It is unclear how a data carrier with a computer program can be a cable modem, a personal computer, a telephone, a television set a radio station or a mobile radio unit.” Applicant respectfully submits that in claim 12, *a terminal* comprises a cable modem, a personal computer, a telephone, a television set a radio station or a mobile radio unit. The claim does not recite that a data carrier with a computer program is a cable modem, a personal computer, a telephone, a television set a radio station or a mobile radio unit.

Consequently, the rejection of claims 11 and 12 under 35 U.S.C. § 112, second paragraph should be withdrawn.

The Examiner states that for purposes of compact prosecution, claim 11 is treated as a computer program according to claim 9 and that claim 12 is treated as a terminal comprising a personal computer. However, Applicant respectfully submits that claims 11 and 12 are directed to a terminal. Claims 11 and 12 have been amended for clarification purposes. No new matter has been added.

IV. Rejection of claims 9-13 under 35 U.S.C. § 101

Claims 9-13 have been rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Claims 11 and 12 are directed to a terminal which constitutes statutory subject matter. Claims 9, 10 and 13 have been amended to recite a “computer-readable medium” as suggested by the Examiner. Consequently, the rejection of claims 9-13 under 35 U.S.C. § 101 should be withdrawn.

V. Rejection of claims 1-3, 6, 8-11 and 13 under 35 U.S.C. § 102

Claims 1-3, 6, 8-11 and 13 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Hattori et al. (U.S. Patent No. 6,094,674).

Claim 1 recites “linking a service required by a customer or an application required by the customer *to a QoS category selected by the customer*; and supplying the required service or the required application to the customer with the QoS category selected by the customer.” The Examiner cites Hattori col. 3, lines 36-53 and col. 4, lines 36-67 for teaching this aspect of claim 1. However, the respective column and lines cited by the Examiner disclose the registering of functions and performance information in a table and information is supplied to a user according

to the information registered in the table. Further, Hattori discloses information processing apparatuses having a QOS table to which information of functions and performance is registered, a network for connecting the plural information processing apparatuses to each other, a local directory connected to the network for controlling a plurality of QOS tables in a unit of local areas.

However, there is no indication that a service required of a customer is linked to a QOS category selected by the customer. Further, there is no indication that the service is supplied to the user according to the QOS category selected by the customer. Hattori appears to disclose that QOS information registered in a table is performed for a particular service. For at least this reason, claim 1 and its dependent claims should be deemed patentable. Since claims 6, 9 and 13 recite similar elements, claims 6, 9 and 13 and their dependent claims should be deemed patentable for the same reasons.

VI. Rejection of claims 4 and 7 under 35 U.S.C. § 103

Claims 4 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hattori et al. in view of Yamamura et al. (U.S. Patent No. 6,028,838). Claims 4 and 7 should be deemed patentable by virtue of their dependency to claims 1 and 6 for the reasons set forth above. Moreover, Yamamura does not cure the deficiencies of Hattori. Further, Yamamura pertains to the selection of a service provider and not a quality of service category as recited in claim 4.

VII. Rejection of claim 5 under 35 U.S.C. § 103

Claim 5 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hattori et al. in view of Yamato et al. (U.S. Patent No. 6,094,431).

Claim 5 should be deemed patentable by virtue of its dependency to claim 1 for the reasons set forth above. Moreover, Yamato does not cure the deficiencies of Hattori.

VIII. Rejection of claim 12 under 35 U.S.C. § 103

Claim 12 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hattori et al. in view of How Networks Work. Claim 12 should be deemed patentable by virtue of its dependency to claim 9 for the reasons set forth above. Moreover, assuming How Networks Work qualifies as prior art, it does not cure the deficiencies of Hattori.

IX. New Claims

Applicant has added claims 14-16 to provide a more varied scope of protection. Claims 14-16 should be deemed patentable by virtue of their dependency to claims 1 and 9 for the reasons set forth above.

X. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Ruthleen E. Uy
Registration No. 51,361

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

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